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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Objection Of The USACM Liquidating Trust
To Novak Living Trust dtd 10/21/97's Claim
Asserting Secured Status**

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Novak Living Trust dtd 10/21/97 filed Proof of Claim No. 10725-02483 against USA Commercial Mortgage Company ("USACM"). The Proof of Claim asserts a secured claim. The USACM Liquidating Trust (the "USACM Trust") hereby objects to Novak Living Trust dtd 10/21/97's assertion that the claim is secured by a valid lien on USACM property and moves this Court, pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure, for an order reclassifying Claim No. 10725-02483 as a general unsecured claim. The USACM Trust is not, by this filing, objecting at this time to any of the claims as unsecured claims or on grounds that the claims were untimely filed,

1 but reserves the right to do so. The basis for this Objection is fully explained in the
2 USACM Liquidating Trust's Motion for Summary Judgment Regarding (1) Responses to
3 the USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a
4 Secured Status; (2) Responses to the USACM Trust's First through Third Omnibus
5 Objections to Claims Asserting a Priority Status; And (3) Newly Alleged Secured And
6 Priority Claims (the "Motion"), filed today. The USACM Trust will serve a copy of the
7 Motion with this objection.

8 Dated: July 30, 2007.

9
10 **LEWIS AND ROCA LLP**

11 By: /s/ RC (#6593)

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